



# CITY OF MEMPHIS

## COUNCIL AGENDA

July 11, 2006

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (June 20, 2006)**

## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

1. **ORDINANCE** to amend the Charter of the City of Memphis, the same being Chapter 11 of the Acts of 1879, as it relates to Term Limits and as amended pursuant to the provisions of Article XI, Section 9 of the Constitution of the State of Tennessee (Home Rule Amendment) and the Acts of 1915, Chapter 408 and to submit this proposed Referendum Ordinance to the qualified voters of the City of Memphis at the First General State Election to be held November 7, 2006, up for F I R S T reading.

Sammons

Ordinance No. 5174

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** amending Chapter 20, Section 20-32 of the Code of Ordinances, of the City of Memphis regarding Minor Curfew, up for F I R S T reading.

Marshall

Ordinance No. 5176

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING (None)

### ZONING ORDINANCE - FIRST READING

3. **ORDINANCE** rezoning the northeast side of Lamar Avenue (U.S. 78) at Dunn Avenue, containing 3.70 acres in the Duplex Residential (R-D) and Highway Commercial (C-H) Districts, up for F I R S T reading.

Peete

Ordinance No. 5175

Case No. Z 06-110

Applicant: Jatin Kumar

Request: Highway Commercial (C-H) District

LUCB and OPD recommendation: REJECTION, of the Highway Commercial (C-H) District

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCE - SECOND READING**

4. **ORDINANCE** rezoning the southwest corner of Wolf River and Interstate 240, containing 19.697 acres in the Agricultural (AG) & Agricultural Flood Plain (AG{FP}) Districts, up for S E C O N D reading.

Peete

Ordinance No. 5173  
Case No. Z 05-104

Applicant: Robert D. Pelts  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Light Industrial (I-L) & Light Industrial Flood Plain (I-L{FP})  
Districts

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

5. **RESOLUTION** approving final plat of KINGS GROVE SUBDIVISION, RE-SUBDIVISION OF LOT 23.

Case No. S 04-071

Resolution approves the final plat located on Kingsbrook Road, east of Fair Meadows Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. **RESOLUTION** accepting WOODLAND TRAILS PD, PHASE 2, AREA B & HAMILTON FARMS SUBDIVISION, SECTION A SEWER EXTENSION and authorizing release of bond.

(Contract No. CR-4759)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the north side of Macon Road, west of Pisgah Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the cashier's check in the amount of \$16,700.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. **RESOLUTION** approving final plat of UPTOWN REDEVELOPMENT SUBDIVISION 18.

Case No. S 05-078

Resolution approves the final plat located on Looney Avenue between Sixth and Seventh Street. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. **RESOLUTION** accepting GERLAND CREEK P.D., PHASE 8, PART OF PARCELS 3 & 4 and authorizing release of bond.

Case No. PD 92-349cc  
(Contract No. CR-4946)

Resolution accepts completion of the improvement and the dedication of public streets and easements as shown on the final plat located on the north side of Shelby Drive at Ridge Walk Lane. The standard improvement contract was approved on June 7, 2005.

Resolution also authorizes the release of the letters of credit in the total amount of \$70,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

9. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 06-319 – White Station P.D., 2<sup>nd</sup> Amendment

Located on the west side of White Station Road; +925 feet north of Poplar Avenue, containing 2.44 acres currently governed by P.D. 93-315 – White Station Planned Development-Amended

Applicant: David Wolfe  
ETI Corp. – Faith Weber – Representative

Request: Amend the P.D. to permit a bank with drive-thru service

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 06-322 – Allentown-South P.D.

Located on the east side of Raleigh-Millington Road; +/-367.96 feet south of New Allen Road, containing 9.90 acres in the Agricultural (AG) District and Multiple Dwelling Residential (R-ML) Districts

Applicant: United Mobile Homes  
Farris-Matthews-Brannan, PLC (Homer Branan) – Representative

Request: Planned Development to allow an expansion of a mobile home park with Thirty-Five (35) manufactured homes within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

C. Case No. PD 06-323 – East Gwynne Place II, P.D.

Located on the west side of Mendenhall Road, +/-90 feet north of the western terminus of Barry Road, containing 0.614 acre in the Single Family Residential (R-S10) District

Applicant: Mars Development, LLC (Angelo Lagonia/Ron Sklar)  
Bray-Davis Firm (David Bray) – Representative

Request: A Planned Development consisting of two residential lots

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 06-324 – Arby's P.D.

Located on the southeast corner of Winchester Road and Malco Way, containing 0.993 acre in the Agricultural (AG) District

Applicant: Arby's Development Corporation  
Solomito Land Planning – Brenda Solomito – Representative

Request: Planned Development to allow a restaurant building within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions



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MLGW FISCAL CONSENT

- 10. RESOLUTION awarding Contract No. 11106, Shoring for Transformer Vault Installation, to Chris-Hill Construction Company, LLC., in the funded amount of \$64,460.00.
- 11. RESOLUTION awarding Contract No. 11113, Reroof Morton Pumping Station’s Pump and Filter Buildings, to B Four Plie, in the funded amount of \$169,834.00.
- 12. RESOLUTION awarding Contract No. 11116, Emergency Generator at Old Millington Office and North Service Center Building #2, to Shelby Electric Company, Inc., in the funded amount of \$183,379.00.
- 13. RESOLUTION awarding Contract No. 11132, Retrofit of High Voltage Underground Transmission Cable, to W. A. Chester, LLC, in an estimated funded amount of \$2,926,100.00.
- 14. RESOLUTION awarding contract for 1590 KCMIL wire to Stuart C. Irby Co. in the amount of \$274,125.00.
- 15. RESOLUTION awarding contract for transformer test set to Phenix Technologies, Inc. in the amount of \$217,700.00.
- 16. RESOLUTION awarding contract for lamps as follows:

Globe Electric Co., Inc.....	\$ 19,085.72
American Lighting and Supply Co., Inc.....	<u>1,036,211.98</u>
Total.....	\$1,055,297.70

- E. Case No. SAC 06-608 – HOSPITAL STREET  
(Held from 6/20/06)

Located between Madison Avenue and Jefferson Avenue, containing 27,506 square feet and 18' X 770' – Width X Length of R.O.W., in the Street right-of-way ~ Hospital (H) District

Applicant: City of Memphis

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

- F. Case No. S 06-011 – Gallagher's Hein Park Subdivision

Located on the west side of Center Drive; ±325 feet south of Cross Drive, containing 1.465 acres in the Single Family Residential (R-S10) District

Appellant: William Chandler

Request: Appeal to overturn action of the Land Use Control Board which rejected a two (2) lot preliminary plat subdivision located at 591 Center Drive

LUCB and OPD recommendation: REJECTION

- G. Case No. S 06-024 – Condra Subdivision

Located on the southeast corner of Mendenhall Road and Minden Avenue, containing 1.465 acres in the Single Family Residential (R-S10) District

Appellant: Eugene L. Paula H. Amagliani, Jr.

Request: Appeal to overturn action of the Land Use Control Board which approved a two (2) lot preliminary plat subdivision located at 232 Mendenhall Road

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED: Set a date of public hearing**

**SUGGESTED DATE: July 25, 2006**



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### APPEARANCE CARDS FOR PUBLIC SPEAKING

### ITEMS HELD OR DROPPED FROM THE AGENDA

## REGULAR AGENDA

17.  
Marshall

### APPOINTMENTS

#### Civilian Law Enforcement Review Board

##### Reappointment

David E. Goodman Jr., Esquire

#### MATA Board

##### Reappointment

Ms. Cliffie L. Pugh

#### Memphis & Shelby County Air Pollution Board

##### Appointment

Karl Pensak

#### Director of the Division of General Services

##### Appointment

Estrice Boone

#### Director of the Division of Park Services

##### Appointment

Cynthia Buchanan

#### GENERAL ORDINANCES - THIRD AND FINAL READING (None)

#### EXECUTIVE DIVISION (None)

#### FINANCE & ADMINISTRATION (None)

#### DIVISION OF FIRE SERVICES (None)

#### DIVISION OF GENERAL SERVICES (None)

#### DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

#### DIVISION OF HUMAN RESOURCES (None)

#### LAW DIVISION (None)

**DIVISION OF PARK SERVICES**

18. RESOLUTION requests City Council approval for an agreement to be negotiated between the City of Memphis, Tennessee, through its Division of Park Services and the Friends of the Levitt Pavilion Memphis, Inc., a Tennessee 501 (c) (3) non-profit corporation, for the management and renovation of the Raoul Wallenburg Shell in Overton Park. The initial term of the Agreement is to be twenty five (25) years. The effective date of the Agreement is to be July 1, 2006. The cost to renovate is estimated at \$1,000,000.00. The City of Memphis is to allocate \$500,000.00 from G.O. Bonds as part of the CIP Budget. Friends will fund all renovation cost exceeding \$500,000.00. Friends will fund operating, administration and programming costs throughout the life of the Agreement.

McCormick

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES** (None)**DIVISION OF PUBLIC SERVICES** (None)**DIVISION OF PUBLIC WORKS**

19. RESOLUTION transferring an allocation of \$302,786.00 funded by G.O. Bonds General from Architecture and Engineering in ADA Curb Ramps, Project Number PW04007 to Construction in ADA Ramps 25, Project Number PW04050 and transferring \$98,102.00 from Construction in ADA Curb Ramps, Project Number PW04007 to Construction in ADA Ramps 25, Project Number PW04050. Resolution also appropriates \$400,888.00 funded by G.O. Bonds General for ADA Ramps 25, Project Number PW04050 for a contract with GCM, Inc., for the installation of ADA Ramps in various locations in the City.

Jones

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

20. RESOLUTION amending the Fiscal Year 2006 Capital Improvement Budget by transferring a previous allocation of \$280,500.00 funded by G.O. Bonds General from Drainage, CIP Project Number ST03006 to Nonconnah/Mt. Moriah Culvert, Project Number ST03081. Resolution also appropriates \$280,500.00 funded by G.O. Bonds General in Nonconnah/Mt. Moriah Culvert, Project Number ST03081 for a negotiated contract with the United States Corps of Engineers for the construction of Mt. Moriah Culvert.

Jones

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

**ZONING ORDINANCE - THIRD AND FINAL READING**

21. **ORDINANCE** rezoning the south side of Macon Road; +475 feet west of Houston Levee Road, containing 1.34 acres in the Agricultural (AG) District, up for T H I R D and F I N A L reading.

PeeteOrdinance No. 5172  
Case No. Z 06-109ccApplicant: Edward Grinder  
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**DIVISION OF PLANNING & DEVELOPMENT**

22. RESOLUTION approving a use variance located on this southwest corner of Harvard Avenue and Merton Street, containing 0.309 acres in the Single Family Residential (R-S6) District.

Peete

Case No. UV 06-05

Applicant: The Caritas Community, Inc.  
Onie Johns – Representative

Request: Neighborhood Community Center

LUCB and OPD recommendation: APPROVAL, with conditions

**No Opposition at LUCB; No Public Hearing Required**

**PUBLIC HEARINGS**

23. RESOLUTION approving an appeal located on the southside of Shelby Drive, 152 feet east of Ridge Walk Lane.

Peete

Case No. PD 01-334cc

Appellant: Eagles Landing Apartments LP

Request: Overturn the decision of the Memphis/Shelby County Land Use Control Board on 05/11/06 which rejected the appellant's request to construct side building elevations for the Eagles Landing Apartments with a brick exterior 3 feet from the ground where the Land Use Control Board previously required 8 feet from the ground

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

**21 NOTICES MAILED ON JUNE 30, 2006**

24. RESOLUTION approving a planned development located on the northeast corner of Highway 51 North and Wortham Road, containing 6.46 acres and currently governed by the conditions of Page-Porter Planned Development, P.D. 89-362cc, (Plat Book 143, Pg. 64).

Peete

Case No. PD 05-374cc

Applicant: Thomas J. Page, Jr.  
David W. Miley Consulting Engineers - Representative

Request: A planned development to amend the outline plan to delete ±0.73 acres from the residential area and add it to the commercial area

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**83 NOTICES MAILED ON JUNE 30, 2006**

25. RESOLUTION approving a planned development located on the southeast corner of U.S. Highway 64 and Reid Hooker Road, containing 176.27 acres in the Highway Commercial (C-H), General Office (O-G), Agricultural (AG), and Agricultural Flood Plain (AG[FP]) Districts.

Peete

Case No. PD 05-385

Applicant: Rockgate Center, LLC  
The Bray-Davis Firm, LLC – Representative



Request: A mixed use planned development consisting of commercial/office, institutional, single family residential and multi-family residential

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**28 NOTICES MAILED ON JUNE 30, 2006**

26. RESOLUTION approving a planned development located on the southeast corner of Highland Street and Mynders Avenue, containing 0.89 acre in the Highway Commercial (C-H) District.

Peete

Case No. PD 06-308

Applicant: Trammell Crow Company  
Homer Branan – Representative

Request: A planned development to create a multi-family residential six (6) story mid-rise with 85 dwelling units with limited retail on the ground floor

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**62 NOTICES MAILED ON JUNE 30, 2006**

27. RESOLUTION approving a planned development located on the southeast corner of Island Drive and Auction Avenue, containing 2.65 acres in the Highway Commercial (C-H) and Multiple Dwelling Residential (R-MM) Districts.

Peete

Case No. PD 06-311

Applicant: Island Properties Associates  
Ronald Harkavy – Representative

Request: A Maximum of 45 Condominium Units in 3 – Four Story Buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**38 NOTICES MAILED ON JUNE 30, 2006**

28. RESOLUTION approving a planned development located on the southwest corner of Winchester Road and Forest Hill-Irene Road, containing 67.20 acres and is currently governed by Forest Hill Heights Planned Development, Amended (P.D. 96-347cc).

Peete

Case No. PD 06-312cc

Applicants: Landmark Properties & Performa Real Estate, Inc.  
The Perkins Law Firm & The Reaves Firm – Representatives

Request: Planned development to allow Planned Development (C-P) District land uses, including a hotel within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**98 NOTICES MAILED ON JUNE 30, 2006**

29. RESOLUTION approving a planned development located on the west side of Houston Levee Road, ±329 ft. north of Macon Road, and north side of Macon Road, ±297 ft. west of Houston Levee Rd., containing 34.54 acres in the Limited Planned Commercial (C-P) and General Office (O-G) uses as permitted in Area F of the Outline Plan for Lee Line Farms Planned Development, as Amended (P.D. 99-346cc).

Peete

Case No. PD 06-314cc

Applicant: George Lee  
Ronald Harkavy – Representative

Request: **A)** Permit limited commercial uses throughout Area F; **B)** relax use limitations to permit restaurants with drive-through windows in certain locations; **C)** permit four out-parcels with separate ownership and separate entrances; **D)** increase the number of permitted curb cuts along Macon Road from two (2) to three (3).

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**101 NOTICES MAILED ON JUNE 30, 2006**

30. RESOLUTION approving a planned development located on the south side of East McLemore Avenue; between Neptune Street and College Street, containing 4 acres in the College University (C-U) and Multiple Dwelling Residential (R-MM) Districts. (Held from 6/20)

Peete

Case No. PD 06-315

Applicant: New Town Center @ Soulsville, LLC  
Self-Tucker Architects (James Murray) – Representative

Request: A Mixed Use Planned Development (consisting of Commercial, Office, and Residential Uses)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**146 NOTICES MAILED ON JUNE 9, 2006**

31. RESOLUTION approving a time extension located on Bingham Street, Princeton Avenue, Autumn Avenue Alley (between Collins and Merton Streets) and Princeton Avenue Alley (between Collins and Bingham Streets) and a - / + 56.8 foot segment west of Bingham Street.

Peete

Case No. SAC 03-612

Applicant: Memphis Board of Education  
Homer Branan, III – Representative

Request: Extend period of compliance with closure conditions to December 31, 2006 for streets previously approved for closure on September 2, 2003

OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

32. RESOLUTION approving a time extension located between the west line of Manassas Street and the east line of Tully Street, containing 1.459 acres in the Multiple Dwelling Residential (R-MM) District.

Peete

Case No. SAC 04-612

Applicant: Memphis Board of Education  
Homer Branan, III – Representative

Request: Extend period of compliance with closure conditions by an additional two (2) years to June 20, 2008 for street previously approved for closure on June 20, 2004

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**NO NOTICES WERE REQUIRED**

33. RESOLUTION approving a street/alley closure located on Kansas Street; between Railroad Avenue and Carolina Avenue, containing 5,632 square feet and 64' X 345' - Width X Length of R.O.W., in the City of Memphis right-of-way ~ Bluffview Residential (R-B) District.

Peete

Case No. SAC 06-606

Applicant: Faxon-Gillis Homes, Inc.

Request: Close & Vacate Alley Street Right-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**16 NOTICES MAILED ON JUNE 30, 2006**

34. RESOLUTION approving special use permit located on the north side of Macon Road; +1,700 feet west of Collierville-Arlington Road, containing 28.86 acres in the Agricultural (AG) District.

Peete

Case No. SUP 06-206cc

Applicant: Tower Ventures V  
Billy Orgel – Representative

Request: 180-foot tower for commercial mobile communication systems (cell tower)

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**76 NOTICES MAILED ON JUNE 30, 2006**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

**ADJOURNMENT**

**ADD-ONS**

35. RESOLUTION approving engineering plans of GARDENS OF GRAYS HOLLOW SEWER EXTENSION.

Consent

Contract No. CR-5018

Resolution approves the engineering plans located on the south side of Walnut Grove Road at Grays Creek. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement sewer extension contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

36. RESOLUTION approving final plat of VALLEYBROOK PLANNED DEVELOPMENT.

Consent

Case No. PD 05-305

Resolution approves the final plat located on Highway 72, west of I-240. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION approving an emergency youth summer jobs program.

Peete

ACTION REQUESTED: Adopt the resolution

38. RESOLUTION approving a hotel waiver for Gen X Inn located at 1177 Madison Avenue.

Peete

ACTION REQUESTED: Adopt the resolution

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Approved
2. & 3 – Dropped
4. Through 8 – Approved
9. Public Hearing Set for July 25, 2006
10. Through 26 – Approved
27. Through 30 – Approved, as amended
31. Through 33 – Approved
34. Approved, as amended
35. Through 38 - Approved

**ACTION TAKEN ON THE MINUTES OF JUNE 20, 2006**

Approved, as amended

**ACTION TAKEN ON THE MINUTES OF ITEM#37 & #38 FROM JULY 11, 2006 MEETING**

Approved